

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

DAVID MOORE

PLAINTIFF/PETITIONER

V.

CIVIL ACTION NO. 3:04CV68LN

CHRISTOPHER EPPS, JIM HOOD

DEFENDANT(S)/RESPONDENT(S)

ORDER

This cause is before the court on motion of petitioner to alter and/or amend this court's December 9, 2005 order, which was entered in response to petitioner's letter requesting the status of his application to proceed *in forma pauperis*. By way of review, on June 24, 2005, this court entered an order informing petitioner that while he had filed a motion to proceed *in forma pauperis*, he had failed to include the required "Authorization for Release of Institutional Account Information and Payment of the Appeal Filing Fee." The court's order allowed petitioner twenty (20) days to submit a completed official certification as to the amounts in his prison account, or submit an affidavit to the court explaining why this form cannot be completed or pay the required appeal filing fee of \$255.00. Petitioner failed to comply with the court's order, and on July 25, 2005, his appeal was dismissed by the Fifth Circuit for failure to pay the filing fee. On August 19, 2005, this court entered a "text only order" denying petitioner's motion for leave to proceed *in forma pauperis* based on his failure to comply with the court's order to complete his application to proceed *in forma pauperis*.

Now, petitioner has filed the instant motion to alter and/or amend judgment and has attached the previously requested official certification, signed by prison officials on December 16, 2005.

However, in light of the Fifth Circuit's dismissal of his appeal, the court concludes that his motion to alter and/or amend judgment should be denied as moot.

SO ORDERED, this the 26th day of January, 2006.

/s/ Tom S. Lee
UNITED STATES DISTRICT JUDGE